

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

SCOTT E. MCGARRY,

Plaintiff,

v.

STATE OF TENNESSEE, *et al.*,

Defendants.

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**No. 3:13-cv-00169
Judge Campbell**

ORDER

The plaintiff, an inmate at the Williamson County Jail in Franklin, Tennessee, brings this *pro se* action under 42 U.S.C. § 1983. (Docket No. 1). Along with the filing of his complaint, he submitted an application to proceed *in forma pauperis*. (Docket No. 2).

Administrative Order No. 93 provides that a prisoner's application to proceed *in forma pauperis* must include a signature of the authorized custodian of prison accounts that has been "properly notarized by a licensed notary public in the State of Tennessee." Further, 28 U.S.C. § 1915(a)(2) requires a prisoner-plaintiff to provide a certified copy of his inmate trust fund account statement for the six-month period immediately preceding the filing of his complaint.

Although the plaintiff's application is notarized by the custodian of his inmate trust fund account as required by Administrative Order No. 93, the plaintiff has not submitted a certified copy of inmate trust fund account statement for the 6-month period immediately preceding the filing of his complaint as required by 28 U.S.C. § 1915(a)(2).

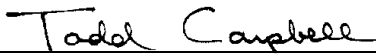
Therefore, the plaintiff shall submit to the court within thirty (30) days of the date of service of this order **either** a certified copy of his inmate trust fund account statement for the six (6) month

period immediately preceding the date that he receives this order, or the full three hundred fifty dollar (\$350.00) filing fee.

The plaintiff is forewarned that, if he does not comply with this order within the time specified, the court is required to presume that he is not a pauper, assess the full amount of filing fee, and order the case dismissed for want of prosecution. *McGore v. Wigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997), *overruled on other grounds by Jones v. Bock*, 549 U.S. 199 (2007). If the case is dismissed under these circumstances, it will not be reinstated to the court's active docket despite any subsequent correction of the documentary deficiency, or payment of the filing fee. *Id.*

An extension of time to submit the required six (6) month statement, or to pay the \$350.00 filing fee, may be requested from this court if a motion for an extension of time is filed within thirty (30) days of the date of entry of this order. *Id.* at 605; *Floyd v. United States Postal Service*, 105 F.3d 274, 279 (6th Cir. 1997), *superseded on other grounds by* Rule 24, Fed. R. App. P.

It is so **ORDERED**.



Todd J. Campbell
United States District Judge